

REMARKS

Claims 1, 4-5, 8-13, and 16-20 are pending in the present application.

First, Applicants have corrected the drawings in response to Examiner's objections. Specifically, in Figures 1-6, the character of lines, numbers, and letters have been improved to be uniformly thick and well defined, clean, durable, and black. Also, in Figures 1-6, the numbers, letters, and reference characters have been made plain and legible. The Replacement Sheet replaces the original or previously filed corresponding sheet having the same figures.

Applicants appreciate the Examiner's thorough review and examination of the application. In the Office Action dated January 12, 2007, the Examiner initially rejected claims 2, 6, and 14 pursuant to 35 U.S.C. § 112 as failing to comply with the written description requirement. Examiner rejected claims 1-20 pursuant to 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Examiner also rejected claims 1-3, 5-8, and 13-15 pursuant to 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,765,978 issued to Looker. Examiner also rejected claim 1 pursuant to 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,975,822 issued to Ruff. Examiner also rejected claims 1, 4, 5, 7, and 9 pursuant to 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 4,850,769 issued to Matthews. Examiner also rejected claims 13 and 16 pursuant to 35 U.S.C. § 103 as being unpatentable over admitted prior art in view of U.S. Patent No. 4,850,769 issued to Matthews. Finally, Examiner rejected claims 10-12 and 17-20 pursuant to 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,850,769 issued to Matthews in view of U.S. Patent No. 6,715,820 issued to Haas.

35 U.S.C. § 112 REJECTIONS

Addressing first the indefiniteness issues, Applicants have amended claims 1, 4-5, 9-10, 12-13, 16-17, and 19-20 in response to the Examiner's rejections.

Referring now to the claims of the present application, claim 1 has been amended to include the limitations of original claims 2 and 3 and to address the indefiniteness concerns identified by the Examiner. Further, omitted essential elements and omitted essential structural cooperative relationships identified by the Examiner have been added.

Claims 2 and 3 have been cancelled.

Claim 4 depends on the currently amended claim 1, which was amended as discussed above. Further, claim 4 has been amended to address indefiniteness concerns identified by the Examiner.

Claim 5 has been amended to include the limitations of original claims 6 and 7 and to address the indefiniteness concerns identified by the Examiner. Further, omitted essential elements and omitted essential structural cooperative relationships identified by the Examiner have been added.

Claims 6-7 have been cancelled.

Claims 8 and 11 depend on the currently amended claim 5, which was amended as discussed above.

Claims 9-10 and 12 depend on the currently amended claim 5, which was amended as discussed above. Further, these claims have been amended to address indefiniteness concerns identified by the Examiner.

Claim 13 has been amended to include the limitations of original claims 14 and 15 and to

address the indefiniteness concerns identified by the Examiner. Further, omitted essential elements and omitted essential structural cooperative relationships identified by the Examiner have been added.

Claims 14 and 15 have been cancelled.

Claims 16, 17, 19, and 20 all depend on the currently amended claim 13, which was amended as discussed above. Further, these claims have been amended to address indefiniteness concerns identified by the Examiner.

Finally, claim 18 depends on the currently amended claim 13, which was amended as discussed above.

Applicants respectfully submit that the amendments to the claims above overcome the indefiniteness issues.

35 U.S.C. § 102 REJECTIONS

Before discussing these rejections and the specific claims of the present application, Applicants believe it to be beneficial to review the features and advantages of the present invention in order to place the discussion of the claims in proper context.

The present invention is a system for securing cargo during transport that prevents, detects, and deters the theft of cargo and the unauthorized introduction of foreign materials into a cargo load. The present invention includes a track fitting. The track fitting may be used to anchor a variety of items to a track; for example, the track fitting may be used as part of a complete cargo security system, which includes a cargo covering. An exemplary embodiment of the track fitting includes a body and a plunger that is placed over a front portion of the body.

The body also includes a substantially C-shaped rear portion, which is supported by two integral feet and defines an opening between the feet.

The track fitting is designed to be anchored to a track, for example, a track extending around the perimeter of a traditional pallet used in the cargo handling industry. The track defines a channel with a series of enlarged openings spaced at predetermined intervals along its length. Each foot of the rear portion of the body of the fitting fits into each of the enlarged openings defined by the track. Additionally, a lower end of the plunger fits into each of the enlarged openings defined by the track. To secure the exemplary track fitting to the track, the plunger is pulled upward, into a first position, and the track fitting is placed on the track by lowering the feet into adjacent enlarged openings. The track fitting is then slid within the channel defined by the track until the lower end of the plunger is aligned with a desired enlarged opening. The plunger is then released into a second position, allowing the lower end of the plunger to drop into the desired enlarged opening, thereby securing the track fitting to the track.

A plurality of exemplary track fittings may be used as part of a complete cargo security system, which includes a cargo covering and the plurality of track fittings for securing the covering to a track. In the exemplary embodiment, the substantially C-shaped rear portion of each track fitting is hooked to a catch on the covering and the track fitting is brought down and secured to the track. Each secured track fitting may be locked to the track by temporarily disabling the movement of the plunger. For example, each exemplary track fitting may include an upwardly extending projection, which extends through the top of the plunger and defines an aperture. A locking cable may be fed through the apertures in the projections of each track fitting secured to the track, blocking the upward sliding movement of each plunger. The ends of

the cable may then be locked to one another, thereby locking the covering to the track such that foreign material cannot be introduced, nor can cargo be removed without tampering with the system. The ends of the locking cable may be secured with a fastening apparatus, such as a cable tie, which may thereafter be covered with a tag or label carrying a tracking code. In this regard, the locking cable cannot be removed without cutting the fastening apparatus and destroying the tracking label, thereby signaling that the cargo has been tampered with.

In rejecting claims 1-3, 5-8, and 13-15 of the present application, the Examiner cites to the teachings of U.S. Patent No. 5,765,978 issued to Looker. Looker teaches an improved fitting comprising a plurality of inserts which are generally rectangular shaped “plates” that are sandwiched together with a tie-down aperture therethrough. Column 2, Lines 20-27. Significantly, the plates taught by Looker are generally D-Shaped. See Looker Figure 5. Indeed, the base of the peripheral inserts 24 is integral with the rest of the insert; thus, a separate tie line must be used to secure the fitting taught by Looker to the cargo load to secure a cargo load to the track fitting. See Abstract. Additionally, the plunger can be used to disable the longitudinal movement of the fitting along the track, but Looker does not teach disabling the movement of the plunger itself; thus, does not teach a fitting that prevents and deters the theft of cargo and the unauthorized introduction of foreign materials into a cargo load.

In response, Applicants have amended claims 1, 5, and 13 and cancelled, 2-3, 6-7, and 14-15. Claims 1, 5, and 13 have been amended to include the limitations of original claims 2-3, 6-7, and 14-15, respectively. The amended claims distinguish over Looker. Specifically, the claims recite a fitting body having a rear portion that is substantially C-shaped and has integral feet defining an opening for receiving and securing the covering. Instead of having to use a

separate line to secure the covering to the fitting, as contemplated in Looker, the C-shaped rear portion allows the fitting itself to be used as a hook to secure the covering to the fitting. Thus, the amended claims are not anticipated by Looker. Similarly, claim 8 depends on claim 5 and is distinguishable from Looker based on the same reasoning for claim 5 above.

Moving on, the Examiner also cites to the teachings of U.S. Patent No. 5,975,822 issued to Ruff in rejecting claim 1 of the present application. Ruff teaches a fitting for securing equipment. The quick release fitting for securing equipment, such as seating, to floor or ceiling tracks of a T-shaped internal channel section comprises a first member securable to the seating and a second member rotatable through a quarter turn in the first member, the second member including a T-shaped end complementary in shape with the channel and engageable therein by insertion in the channel with the cross-member of the "T" extending along the channel and subsequently turning the second member through a quarter turn. See Abstract. Further, a bore 5 for mounting a bolt extends through an upper end part of the first member. Column 2, Lines 61-63.

Similar to the response above, Applicants have amended claim 1. Claim 1 has been amended to include the limitations of original claims 2-3. The amended claim distinguishes over Ruff. Specifically, the rear portion of the present invention is substantially C-shaped and has integral feet defining an opening for receiving and securing the covering. Meanwhile, Ruff teaches a first member that houses a second member with the first member having a bore. In Huff, a separate bolt or line must be used to secure the equipment to the fitting. In the present invention, the C-shaped rear portion allows the fitting itself to be used as a hook to secure the covering to the fitting. Thus, claim 1 is not anticipated by Ruff.

Next, the Examiner cites to the teachings of U.S. Patent No. 4,850,769 issued to Matthews in rejecting claims 1, 4, 5, 7, and 9 of the present application. Matthews teaches a tie-down device having a movable car slidably carried on a stationary track which includes a spring biased vertically movable latch on the car operable to be insertably received into a selected one of a plurality of openings on said track for releasably retaining the car in a critical location on the track. See Abstract. The car further includes an attachment arrangement such as a tongue-in-groove construction for mounting on the track and a securement loop universally carried on a car flange for attachment to a tie-down line or cord. Id. While Matthews teaches the latch for being received in one of a series of openings defined by the track, Matthews does not teach the rear portion of the body being substantially C-shaped with the rear portion having feet defining an opening for receiving and securing the covering. The device would be better characterized as having a rectangular profile, not C-shaped.

Applicants respectfully submit that with claims 1 and 5 as amended, Matthews does not teach a front portion and a rear portion, said rear portion being substantially C-shaped and having a first integral foot and a second integral foot, said first integral foot and said second integral foot defining an opening therebetween, said opening for receiving and securing the covering. Indeed, in Matthews, the guide member 23 is received by the guide groove 22, and **not** the aligned opening 20. Column 3, Lines 33-37 (emphasis added). Matthews teaches that once the device is received by the track, it is the plunger 21 that is received by the opening 20. Column 3, Lines 28-30. The guide member is designed to be received by the guide groove; thus, the guide member is not designed to fit the opening as suggested by the Examiner. Column 3, Lines 33-43. Further, based on reviewing Figure 2 of Matthews, the guide member appears too large to fit

the opening. See Matthews Figure 2. These differences distinguish Matthews from the claims in the present application referenced by the Examiner.

Regarding claims 4 and 9, the pin 41 in Matthews does impede the plunger's vertical movement, but does not prevent the plunger from being pulled upwards to the first position. In other words, the pin 41 merely limits the vertical range of travel of the plunger, but does not prevent the travel itself. However, in claims 4 and 9 of the present application, a fitting is recited where the plunger is prevented from disengaging from the track.

Accordingly, Applicants respectfully submit that claims 1, 5, and 13 are not anticipated by the prior art. Similarly, claim 4 depend on claim 1, claims 8-12 depend on claim 5, and claims 16-20 depend on claim 13; thus, they are also not anticipated by the prior art.

35 U.S.C. § 103 REJECTIONS

Claims 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of U.S. Patent No. 4,850,769 issued to Matthews.

Regarding claim 16, Applicants respectfully submit that Matthews does not teach “at least one integral foot 23 adapted to be received in one of a series of openings 20.” Indeed, in Matthews, the guide member 23 is received by the guide groove 22, and **not** the aligned opening 20. Column 3, Lines 33-37 (emphasis added). Matthews teaches that once the device is received by the track, it is the plunger 21 that is received by the opening 20. Column 3, Lines 28-30. The guide member is designed to be received by the guide groove; thus, the guide member is not designed to fit the opening as suggested by the Examiner. Column 3, Lines 33-43. Further, based on reviewing Fig. 2 of Matthews, the guide member is too large to fit the opening. See

Matthews Figure 2. These differences distinguish Matthews from Applicants' present application.

Finally, Examiner rejected claims 10-12 and 17-20 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,850,769 issued to Matthews in view of U.S. Patent No. 6,715,820 issued to Haas. However, Applicants have amended claims 5 and 13, on which claims 10-12 and 17-20 depend. As such, Applicants submit that claims 10-12 and 17-20 are distinguishable over Matthews even after combining the teachings of Haas.

Also, Applicants respectfully submits that claim 19 depends on claim 13 and the amendments to claim 13 distinguish claim 19 from Matthews, so that, even when combined with Haas, claim 19 is still distinguishable. Accordingly, Applicants respectfully submit that independent claims 1, 5, and 13, as amended, are now in condition for allowance. Furthermore, dependent claims 4, 8-12, and 16-20 are also believed to be allowable in view of the arguments presented with respect to claims 1, 5, and 13.

Having fully responded to the initial rejections set forth in the Office Action dated January 12, 2007, Applicants respectfully request allowance of all claims now pending in the present application.

Respectfully submitted,

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